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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,786	12/30/2003	Darrell R. Finneman	D/A3506 XERZ 2 00671	1093
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FAY SHARPE LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER BUI, HUNG S	
			ART UNIT 2841	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,786

Applicant(s)

FINNEMAN ET AL.

Examiner

Hung S. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,11,13 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,14-17,19-21, 23-27,29 and 30 is/are rejected.
- 7) ☒ Claim(s) 9,10,12 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 16, 17, 19-24 and 30 are objected. Examiner is considered the term “capable of” as well defined as an intended use limitation. The claim limitation that employ phrase of the type “capable of” is typical of claim limitation, which may not distinguish over prior art according to the principle. It has been held that the recitation that an element is “capable of” performing a function is not a positive limitation but only requires the ability to so perform, see *In re Venezia*, 189, USPQ 149 (CCPA 1976).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 16-17, 19-21, 23, 25-26 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Barth et al. [US 4,576,534].

Regarding claim 1, Barth et al. disclose a support member (figure 1) comprising:

- a support panel (21, figure 1, column 2, line 16); and
- a retention element (20, figure 1, column 2, lines 23-24) integrally formed with the support panel and of the same material as the support panel for use in mounting an associated component (24, figure 1, column 2, line 23) to the support panel, the retention element defining a bore (22, figure 1, column 2, line 15) for receiving an associated threaded fixing element (10, figure 1,

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column 2, line 22) which mounts the component to the support panel and a protrusion which extends into the bore from a sidewall thereof (figure 1);

- the protrusion including a rib (52, 50, figure 5 and 50, 56, figure 6, the rib protruded along an vertical axis as shown in figures 5 and 6) which extends generally parallel with a longitudinal axis of the bore.

Regarding claim 2, Barrth et al. disclose wherein the retention element includes a boss (20, figure 1, column 2, lines 23-24) which extends from the support panel (figure 1).

Regarding claim 3, Barth et al. disclose wherein the boss is formed from plastic (column 2, lines 51-56).

Regarding claim 16, Barth et al. disclose a combination of a retention element and a fixing element support (figure 1) comprising:

- a retention element (20, figure 1, column 2, lines 23-24) which defines a bore (22, figure 1, column 2, line 15) and a projection which extends into the bore (see figures 5-6);
- the projection comprising a rib (52, 50, figure 5 and 50, 60, in figure 6, the projection protruded along an vertical axis as shown in figures 5 and 6) which extends generally parallel with a longitudinal axis of the bore; and
- a fixing threaded element (10, figure 1, column 2, line 22) which is received by the bore (figure 1), and which is capable of forming a helical groove in the bore, the projection engaging a threaded portion of the fixing element as the threaded fixing element is threadably engaged with the groove (see figure 1).

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Regarding claim 17, Barth et al. disclose wherein the fixing member comprises a screw (10, figure 1, column 2, line 22).

Regarding claim 19, Barth et al. disclose wherein the projection has an outer surface which defines an arc of an imaginary circle centered on the longitudinal axis of the bore (see figures 1 and 5-6).

Regarding claim 20, Barth et al. disclose wherein the imaginary circle has a diameter which is less than a maximum diameter of the screw (see figures 1 and 5-6).

Regarding claim 21, Barth et al. disclose wherein the imaginary circle has a diameter which is about that of the minimum diameter of the screw (see figures 1 and 5-6).

Regarding claim 23, Barth et al. disclose an imagining device such as a chassis can use with the combination of a retention element and a fixing element support (figure 1).

Regarding claim 25-26, Claims method steps would have been inherit in the product structure as disclosed in claims 16-17, 19 and 23,

Regarding claim 30, Barth et al. disclose an upper portion being formed of a metal (as well known metal is a rigid material, column 4, lines 1-4). Therefore, the upper portion of the rib is ground away during formation of the helical groove.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al. in view of Bartos et al. [US 5,704,750].

Regarding claim 4, Barth et al. disclose the instant claimed invention except for the bore including a first portion located adjacent to a fixing element receiving opening of the bore and a second portion, spaced from the opening, the second portion having a smaller diameter than the first portion.

Bartos et al. disclose a member support (figure 3) having a panel (a bottom base as shown in figure 4) and a boss (24, figure 4, column 2, line 50) creates a bore (22, figure 4, column 2, line 49), wherein the bore includes a first portion located adjacent to a fixing element receiving opening of the bore and a second portion, spaced from the opening, the second portion having a smaller diameter than the first portion (see figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the bore design of Bartos et al. in Barth et al., for the purpose of providing more flexibility of the rib in the bore.

Regarding claim 6, Barth et al. in view of Bartos et al. disclose wherein the protrusion extends in at least the second portion of the bore (see figure 1).

Regarding claim 7, Barth et al. disclose a support member (figure 1) comprising:

- a support panel (21, figure 1, column 2, line 16); and
- a retention element (20, figure 1, column 2, lines 23-24) for use in mounting an associated component (24, figure 1, column 2, line 23) to the support panel, the retention element defining a bore (22, figure 1, column 2, line 15)

for receiving an associated threaded fixing element (10, figure 1, column 2, line 22) which mounts the component to the support panel and a protrusion which extends into the bore from a sidewall thereof (figure 1).

- the protrusion (52, 50, figure 5 and 50, 56, figure 6, the rib protruded along an vertical axis as shown in figures 5 and 6) extends parallel with a longitudinal axis of the bore (extending from a top to a bottom of the bore as shown in figure 4).

Barth et al. disclose the instant claimed invention except for the bore including a first portion located adjacent to a fixing element receiving opening of the bore and a second portion, spaced from the opening, the second portion having a smaller diameter than the first portion.

Bartos et al. disclose a member support (figure 3) having a panel (a bottom base as shown in figure 4) and a boss (24, figure 4, column 2, line 50) creates a bore (22, figure 4, column 2, line 49), wherein the bore includes a first portion located adjacent to a fixing element receiving opening of the bore and a second portion, spaced from the opening, the second portion having a smaller diameter than the first portion (see figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the bore design of Bartos et al. in Barth et al., for the purpose of providing more flexibility of the rib in the bore.

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6. Claims 14-15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al. in view of Slater [US 4,580,689].

Regarding claims 14-15, Barth et al. disclose the instant claimed invention except for the support member comprising a chassis of an imaging device.

Slater discloses a support member (18) being used within a chassis of an imaging device (figures 2-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the support member of Barth et al. within a chassis, as suggested by Slater, in order to protect the components.

Regarding claim 24, Barth et al. disclose at least one component (24, figure 1, column 2, line 23) which is clamped to the fixing element and the retention element (see figure 1).

Barth et al. disclose the instant claimed invention except for the plurality of combinations of the fixing element and the retention element being used with a chassis.

Slater discloses a combination of a fixing element and a retention element (18) being used with a chassis (figures 2-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fixing and retention structure design of Slater in Barth et al., in order to protect the components.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the plurality of the combination of the fixing element and the

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retention element design of Barth et al. in view of Slater, for the purpose of providing additional support to mount a plurality of components.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al., in view of Bartos et al., as applied to claim 7 above, and further in view of Slater [US 4,580,689].

Regarding claim 27, Barth et al., as modified, disclose the instant claimed invention except for the support member comprising a chassis of an imaging device.

Slater discloses a support member (18) being used within a chassis of an imaging device (figures 2-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the support member of Barth et al., as modified, within a chassis, as suggested by Slater, in order to protect the components.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al. in view of Adams et al. [US 5,419,665].

Regarding claim 29, Barth et al. disclose the retention element being integrally formed with the support panel.

Barth et al. disclose the instant claimed invention except for the apparatus having a plurality of retention means.

Adams et al. discloses a panel (2, figure 1) having a plurality of retentions means (4, figure 1) being mounted thereon.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a plurality of retentions means in the support panel of Barth et al., as suggested by Adams et al., in order to mount a plurality of components thereon the support panel.

Allowable Subject Matter

9. Claims 8, 11, 13 and 28 are allowed.

10. Claims 9-10, 12 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: **Claim 8** states the limitation "first and second side surfaces which connect the outer surface of the protrusion with a side wall of the bore, at least one of the outer surface and the first and second side surfaces has a taper toward an end of the bore which is opposite to a fixing element receiving opening of the bore." This limitation in conjunction with other claimed limitation of the claim 8, was neither found to be disclosed in the cited references, nor suggestion by the prior art. **Claims 11, 13 and 28** depend on the claim 8. The cited references in combination with the prior art of record fail to teach or suggest the protrusion having first and second side surfaces which connect an outer surface of the protrusion with a side wall of the bore as claimed in **claim 9**. **Claim 10** depends on claim 9. **Claim 12** states the limitation "the protrusion subtends an angle from a longitudinal axis of the bore of at least 10 degrees." This

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limitation in conjunction with previous claimed limitation of the claim 1, was neither found to be disclosed in the cited references, nor suggestion by the prior art. **Claim 22** states the limitation "the protrusion subtends an angle of less than about 30 degrees of a circle defined by the bore." This limitation in conjunction with previous claimed limitation of the claim 16, was neither found to be disclosed in the cited references, nor suggestion by the prior art.

Response to Arguments

11. Applicant's arguments with respect to claims 1-4, 6-17, 19-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Knohl [US 4,334,815] discloses a fastener with a modified thread from.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/12/2006
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